

Senate Select Committee on COVID-19

Submission of the Flights Attendants' Association of Australia – International/Domestic Division



Organisation: Flight Attendants' Association of Australia –
International/Domestic Division

Address: Level 1, 20 Ewan Street, Mascot NSW 2020

Submitted by: Lou Nesci, Assistant Secretary-International on behalf of the
Secretaries of the International and Domestic Divisions of the
Flight Attendants' Association of Australia

Date: 28 May 2020

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Introduction

1. The Flight Attendants' Association Australia (FAAA) consists of an International and Domestic division and represents over 5,000 cabin crew in the Australian airline industry. Our members work for airlines such as Qantas, Jetstar, Virgin International and Domestic as well as a range of regional domestic carriers that provide essential travel services to regional Australia.
2. The FAAA advocates for members on their concerns in relation to matters such as conditions of employment, Work Health & Safety and the regulations affecting the industry.
3. Our members are greatly affected by COVID-19 as they are frontline workers who have significant exposure to COVID-19 from passengers, both internationally and domestically.

Executive Summary

4. There are areas of concern in relation to the Australian Government response to COVID-19 that the Committee should inquire into from the perspective of our members. We believe that first and foremost the health of the public and workers should be at the forefront of the minds of the Committee and not the profits that the airlines are essentially driven by.
5. These areas of concern include the isolation exemption that applies to cabin crew and the provision of appropriate personal protective equipment ("PPE").
6. In relation to the isolation requirements we submit that there needs to be greater government regulation to protect the families of cabin crew and the broader community. Airline policies in relation to self-isolation should meet the standard of State government guidelines for self-isolation guidelines at home in order to protect individuals and the greater community.
7. Personal Protective Equipment (PPE) has not been sufficient on aircraft, even after these concerns were brought to the airlines' attention. While there has been some improvement there is an ongoing area of concern for both cabin crew and the broader community. With a second wave of COVID-19 expected the Australian Government needs to have greater oversight

of PPE in the airline industry due to the significant exposure of the community while travelling both domestically and, in the future, internationally.

8. There should also be action by the Australian Government in relation to ensuring that COVID-19 is notifiable to State Authorities. In NSW, Qantas was issued with an improvement notice by SafeWork NSW for not notifying them of the contraction by its workers of COVID-19. Disappointedly, this was revoked after an internal review by SafeWork NSW. This matter has been referred to the NSW Industrial Relations Commission for an external review.
9. The JobKeeper program, while greatly welcomed by our members as it provided much needed income support during this period, has also not been without its controversy. There have been issues with the management of the program by employers in our industry such as paying monies in the JobKeeper fortnights that was earned prior to the commencement of the program, including underpayments. In addition, our members have had concerns about the inclusion of expense related allowances paid to cover meals and other incidentals when staying overnight in a port (which, in some instances are tax free as they are fully expended). It is our view that the JobKeeper scheme has been used to fund employer liabilities and this is not appropriate use of taxpayer funds.
10. Another shortfall of the JobKeeper program has been the lack of access for casual employees who are not eligible, because they have not been employed for 12 months, and in some cases missing out by a few days. Due to the nature of the industry, casuals work regular and systematic hours and would have continued to work for their employer, but for the stand down.

Isolation exemption for Cabin Crew

11. Initially there was no self-isolation for cabin crew and this was a concern because of the potential exposure of family and community members to COVID-19.

12. On 16 March, the Prime Minister announced that all international arrivals must self-isolate and 'limited exemptions' applied for flight crew.¹
13. On 30 March, the Prime Minister announced that National Cabinet had re-confirmed international flight crew were 'granted' a concession from the compulsory 14-day quarantine requirements on arrival in Australia, because of 'their extensive training in infection prevention and control'.²
14. In the first instance this extensive training was not put in place for cabin crew. Qantas, for example, provided only very basic training, such as how cabin crew use gloves and deal with spills. Training on the use of masks was only given after it was brought to the attention of management by Health and Safety Representatives.
15. In relation to the self isolation requirements cabin crew are required to self-isolate at home or in a hotel, before their next flight or for 14 days, whichever is sooner. However, some airline policies do not have in place the necessary stringent requirements to protect their families. For example, the Qantas self-isolation policy does not take into account isolation from others, nor the use of PPE in the household. This means cabin crew members could expose those that they live with and potentially household members could infect members of the community.
16. There are current NSW Health guidelines, which state "when people are sharing their household with others, they should 'remain separated from others' and 'use a separate bathroom, if available'".³ The FAAA submits that the Australian government should require airline employers to impose the same self-isolation guidelines in their company policy as what is recommended by NSW Health.
17. The lack of regulation in relation to self isolation creates a significant risk for both cabin crew, their families and the broader community if this aspect of the management of COVID-19 is not

¹ <<https://www.pm.gov.au/media/coronavirus-measures-endorsed-national-cabinet>>

² < <https://www.pm.gov.au/media/statement-update-coronavirus-measures>>

³ <<https://www.health.nsw.gov.au/Infectious/factsheets/Pages/advice-for-travellers.aspx>>

managed effectively. The FAAA advocate that the Australian government should ensure employers' compliance to amend their policy to bring it in line with NSW Health guidelines.

18. In addition, another issue with the self isolation exception is that at a State level crew that arrived from an international flight have been visited by State police to check if they were home, when the member thought that they were exempt from quarantine. This confusion unnecessarily added to member's stress and anxiety. Therefore, this is also an area that requires review in respect of co-ordination between Federal and State government and the appropriate practices put in place by employers in respect of exemptions that apply to cabin crew.

Personal Protective Equipment (PPE) for Cabin Crew

19. Qantas medical services advice is that the risk of contracting COVID-19 on board an aircraft is low. The Qantas Chief Medical Officer, Dr Hosegood has stated there is '*low risk of transmission on board*' and '*extremely low*'.⁴
20. This is contradicted by Professor Raina MacIntyre, a virologist who stated '*being in an aircraft is a high risk*' and when asked about HEPA filters and Qantas air-conditioning system, she stated that it depends on whether Qantas used recycled air or outside air and that recycled air was the riskier of the options.⁵ We assert that Qantas has played down the risk of COVID-19 on board. This has significant consequences for crew and passengers.
21. Qantas advised cabin crew to undertake hand washing, use hand sanitiser and practice cough etiquette. They further advised that this would be sufficient and therefore did not provide additional PPE for cabin crew to mitigate the risk of infection. At the same time access to a dedicated bathroom/washing hands facility for airline crew (Qantas) was repeatedly requested and denied by Qantas.
22. It was not until the last mainland China Flights (QF129; QF107), in early February, where Qantas agreed to allow crew to use surgical gowns and eye shields for cleaning of lavatories. This was

⁴ < <https://www.abc.net.au/news/2020-05-19/qantas-social-distancing-coronavirus-covid19-measures/12263242> >

⁵ < <https://www.abc.net.au/news/2020-05-19/qantas-social-distancing-coronavirus-covid19-measures/12263242> >

after intervention by Health and Safety Representatives, who were in correspondence with Doctor Gary Lum, Principal Medical Advisor to the Australian Government Health Department. Disposable full-length gowns for cleaning of lavatories and individual hand sanitiser for crew, were only provided after this correspondence on or around 6 February 2020.

23. Qantas continued to push their position of low risk of transmission as the first response to any request for the use of PPE. HSRs continued to request the ability for workers to use PPE as deemed necessary, with Qantas' continued resistance.
24. Anti-bacterial wipes were requested for the purpose of sanitising equipment used by flight attendants such as interphones, safety demonstration equipment, galley benches. This was not provided by the company until on or around 11 April 2020 (Liv wipes product).
25. Due to a shortage of N95 or P2 Masks on board, Qantas suggested that they could be used for several weeks. The FAAA submits this was unacceptable as these masks are not reusable and often become contaminated within three to four hours of use.
26. Members have stated to us that they believe the company and government response to PPE '*was reactive*' and '*not proactive*', that their experience was that Qantas was resistant to requests for PPE. Some also stated that they were asked why they wanted PPE.
27. At present there are very few International flights operating. However, airlines are working on the basis that all passengers may have COVID-19, due to London and Los Angeles being known hotspots and have implemented strict safety protocols. It is critical with any consideration of opening our borders that the Government ensure that appropriate PPE put in place for cabin crew to ensure their safety and the safety of passengers.
28. It should be noted that travelers arriving internationally were the main contributors to COVID-19 numbers in Australia and this is an exposure point for Australia unless properly managed.
29. In relation to Domestic travel, with the desire of the Australian Government to promote the opening up of the economy, once again, we need to make sure that the transmission of COVID-

19 is minimised by airlines being required to implement appropriate mechanisms, including PPE, to protect crew and passengers.

Social distancing removed

30. Qantas announced on 19 May 2020 that it had obtained a federal government exemption in relation to social distancing.⁶
31. Domestically, Qantas has launched 'Fly Well', which is an initiative to encourage passengers back to fly that does not include social distancing but includes a range of initiatives such as:
 - reduced cabin service to minimise contact;
 - provision of mask and a sanitiser wipe to all passengers, although mask are not mandatory;
 - social distancing for both boarding and disembarking;
 - PAs requesting passengers to reduce movement around cabin;
 - Only two passengers are permitted to queue at toilets, with cabin crew losing their dedicated toilet that had been put in place for the minimum flight network.
32. FAAA Domestic Work Health and Safety Representatives have repeatedly asked for the data and evidence used to confirm these measures will eliminate the need for social distancing as a mitigation strategy, but to date have only been provided an IATA brief on HEPA filters.
33. The FAAA has also repeatedly stated to Qantas, that it is required to consult in relation to these proposals because of the significant impact on the health and safety of workers. However, this process of consultation is not strong enough to protect cabin crew because it is only consultation, not a requirement to ensure that workers are protected.
34. The FAAA submits that before the Australian Government considers removal of social distancing there must be stringent evidence based measures put in place. As a minimum the wearing of masks for customers must be mandatory. This is critical for the protection of cabin crew and other passengers.

⁶ < <https://www.smh.com.au/business/companies/qantas-gives-passengers-masks-but-not-empty-seats-in-covid-19-plan-20200519-p54u9f.html> >

COVID-19 as a notifiable incident under the WHS Act in each State

35. What is relevant, in the consideration of the impact of COVID-19 on our society are recent events in NSW in relation to COVID-19 as a notifiable incident.
36. Qantas was issued with an Improvement Notice (IN) SafeWork NSW on 21 April 2020 because it did not notify SafeWork NSW that workers had been diagnosed with COVID-19.⁷ Some 38 Qantas International Flight Attendants have tested positive to COVID-19 in the course of their employment.
37. Qantas' response in the media to the IN was that *'this request by SafeWork NSW is bureaucracy gone mad'*.⁸ Qantas said it would add *'needless paperwork and effort, requiring exactly the same information to be provided to two separate departments in the same government when there is no requirement to do so'*.⁹
38. Qantas sought an internal review by SafeWork NSW and the IN was revoked.
39. HSRs and affected employees have sought an external review under s229 of the *Work, Health and Safety Act 2011* (NSW).
40. The FAAA, on behalf of our members, call upon the Australian Government, to work with States to ensure that a COVID-19 positive case at work is a notifiable incident in every state. This is a critical health issue for all members of our community.

⁷ See: <https://www.theaustralian.com.au/business/aviation/bureaucracy-gone-mad-qantas-hits-back-at-virus-slap/news-story/91dd588f8969e24d863ffbe98d4795ac>

⁸ <https://www.theaustralian.com.au/business/aviation/bureaucracy-gone-mad-qantas-hits-back-at-virus-slap/news-story/91dd588f8969e24d863ffbe98d4795ac>

⁹ <https://www.theaustralian.com.au/business/aviation/bureaucracy-gone-mad-qantas-hits-back-at-virus-slap/news-story/91dd588f8969e24d863ffbe98d4795ac>

JobKeeper

41. We acknowledge that JobKeeper has been a great initiative of the Australian government, to save jobs and maintain the relationship between employees and employer. This is to retain talented and valuable employees, so business can succeed on the other side of the crisis.
42. JobKeeper has been particularly valued by our members, with over 90% stood down due to the impact on airline travel from COVID-19. However, we believe that some aspects of the program should be reviewed, based on the experience of our members.
43. Firstly, while set at an amount of \$1500 per fortnight, for some workers, this was significantly less than they would earn and many members found it difficult to *'keep afloat financially'*.
44. Secondly, due to the JobKeeper rules that allowed any monies paid for *'salary, wages, commission, bonus or allowances'* to be funded by JobKeeper some of the employers in the aviation industry used JobKeeper to fund wages earnt prior to 30 March. Employers also used JobKeeper to pay for historic underpayments that they have previously not paid. For example, one of our members was underpaid six months ago and JobKeeper was used to offset this correction. JobKeeper should not be used to offset this pay correction. Taxpayer money should not have been used to fund company payroll errors.
45. Thirdly, another concern that members raised was the use of JobKeeper to pay for expense related allowances when these allowances are reimbursements for expenses incurred when staying overnight in another port. For example, a crew member flying from Sydney to Perth and staying overnight to travel home the next day would be paid a Daily Travel Allowance to cover the costs of meals and other incidentals.
46. In addition, allowances, along with overtime and penalties, are paid two weeks in arrears so while they were earnt during a period of work they are not paid in addition to JobKeeper in the following fortnight when the employee was stood down. For example, for Qantas domestic crew work is organised on the basis of being stood up for a roster period of 28 days and then stood

down thereafter so the additional payment is paid in a stand down period but absorbed into JobKeeper.

47. Fourthly, employers have used JobKeeper to fund leave payments. Where employees take leave JobKeeper should not be used to subsidise leave. Companies such as Qantas have set aside funds to pay for leave and should be using these funds to pay for leave and not be subsidised. Or alternatively employers should be required to credit back leave balances for the value of JobKeeper which we are pleased to say one major airline employer has done, which is the right thing to do in respect of use of government funds and for employees.
48. The FAAA asserts that, what we have outlined above was not the intention of the JobKeeper scheme.
49. Finally, the FAAA raises concern about the treatment of casuals. In this industry most casuals are employed on a regular and systematic basis and would have expected to continue working on this basis but have been excluded. In particular, we have concerns about casuals who accepted employment before 1 March 2019 and the employer has refused to include them. Another example of exclusion of workers, is where casuals attended ground school training on 18 February 2019 and completed the training on 27 March 2019, but they have been excluded because the employer asserts that the contracts did not commence until 28 March 2019. Given the objective of the scheme to retain connection of employees to their employer, these employees should be eligible for the JobKeeper scheme.

Recommendations

The Australian Government should:

- (i) *Regulate self-isolation through guidelines issued to employers, similar to those issued by NSW Health for persons who have contracted COVID-19;*
- (ii) *Ensure airlines issue appropriate PPE to all cabin crew and protect crew and the community;*
- (iii) *Work with States to ensure that COVID-19 is a notifiable incident to the Relevant State Authority;*

- (iv) *JobKeeper should be reviewed to ensure that it is not used to fund past employer liabilities and should be extended to casuals employed in the industry.*

Lou Nesci, Assistant Secretary-International

on behalf of the Secretaries of the

International and Domestic Divisions of the Flight Attendants' Association of Australia